

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #8	CCRB Case #: 202102403	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/19/2020 1:31 PM	Location of Incident: Intersection of West 46th Street and 7th Avenue	Precinct: 18	18 Mo. SOL 3/19/2022	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 03/17/2021 2:25 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/17/2021 2:25 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. SGT Carlos Hills	00446	923443	SRG 4
3. POM Stephen Centore	31854	936328	DIS CTL
4. INSP Gerard Dowling	00000	915640	SRG
5. An officer			
6. PO Brandon Ortiz	04224	950986	SRG 5
7. PO Christophe Emmart	13299	960496	SRG 4
8. PO Cecilio Ramos	22729	947380	SRG 5
9. SGT Steven Gansrow	00301	928345	SRG 4
10. POM Robert Bourque	27041	929763	SRG 2
11. PO Michael Linder	07177	930572	SRG 5
12. POM Steven Vinella	25973	927739	SRG 1
13. POM Matthew Kwiecinski	12413	928605	SRG 4
14. DT3 Pablo Rodriguez	11312	947424	WARRSEC

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
1. DC James Kehoe	00000	891678	PBMS
2. SGT Matthew Tocco	02725	940805	DIS CTL
3. POM Jason Brown	25414	950109	DIS CTL
4. POM Jason Brown	30226	950110	MTN PCT
5. POM Justin Barberi	25008	957356	SRG 5
6. POM John Seddo	04037	954326	SRG 3
7. POM Thomas Pecorella	09542	947959	DIS CTL
8. POM Jason Brown	24752	969549	019 PCT
9. DT3 Ryan Bradley	05863	946627	WARRSEC
10. CPT David Miller	00000	911741	DIS CTL
11. POM James Obrien	23885	946071	PB POD
12. POM Matthew Obrien	19663	937549	DIS CTL
13. SGT Roberto Dominguez	01019	938384	SRG 2
14. LT Louis Sojo	00000	920854	SRG 1
15. POM Scott Schillinger	12495	953377	T.A.R.U
16. SGT MICHAEL TOSCANO	04883	951348	SRG 05
17. PO DUPREE JAMES	30997	954970	SRG 3
18. PO BRYAN WILSON	10392	942712	SRG 2
19. PO BRIAN HINTON	13916	956739	SRG 04

<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>
A. INSP Gerard Dowling	Abuse: Inspector Gerard Dowling threatened to arrest § 87(2)(b)	
B. INSP Gerard Dowling	Abuse: Inspector Gerard Dowling threatened to arrest § 87(2)(b)	
C. INSP Gerard Dowling	Abuse: Inspector Gerard Dowling threatened to arrest § 87(2)(b)	
D. INSP Gerard Dowling	Abuse: Inspector Gerard Dowling threatened to arrest § 87(2)(b)	
E. INSP Gerard Dowling	Abuse: Inspector Gerard Dowling threatened to arrest individuals.	
F. Officers	Force: Officers used physical force against an individual.	
G. POM Stephen Centore	Force: Police Officer Stephen Centore used physical force against § 87(2)(b)	
H. POM Robert Bourque	Force: Police Officer Robert Bourque used physical force against § 87(2)(b)	
I. An officer	Force: An officer used physical force against § 87(2)(b)	
J. SGT Carlos Hills	Force: Sergeant Carlos Hills used physical force against § 87(2)(b)	
K. DT3 Pablo Rodriguez	Force: Detective Pablo Rodriguez used physical force against § 87(2)(b)	
L. POM Steven Vinella	Force: Police Officer Steven Vinella used physical force against § 87(2)(b)	
M. POM Matthew Kwiecinski	Force: Police Officer Matthew Kwiecinski used physical force against § 87(2)(b)	
N. Officers	Force: Officers used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
O. Officers	Force: An officer used physical force against § 87(2)(b)	
P. An officer	Force: An officer restricted § 87(2)(b)'s breathing.	
Q. INSP Gerard Dowling	Force: Inspector Gerard Dowling used physical force against § 87(2)(b)	
R. SGT Steven Gansrow	Force: Sergeant Steven Gansrow used physical force against § 87(2)(b)	
S. PO Brandon Ortiz	Force: Police Officer Brandon Ortiz used physical force against § 87(2)(b)	
T. PO Christophe Emmart	Force: Police Officer Christopher Emmart used physical force against § 87(2)(b)	
U. PO Cecilio Ramos	Force: Police Officer Cecilio Ramos used physical force against § 87(2)(b)	
V. PO Michael Linder	Force: Police Officer Michael Linder used physical force against § 87(2)(b)	
W. INSP Gerard Dowling	Force: Inspector Gerard Dowling restricted § 87(2)(b)'s breathing.	
X. An officer	Force: An officer used physical force against § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

## Case Summary

§ 87(2)(b) and § 87(2)(b) reported this incident to the CCRB via telephone on March 17, 2021. This complaint was generated as a spin-off of CCRB complaint #§ 87(2)(b) on April 16, 2021.

On September 19, 2020, at approximately 1:31 PM, § 87(2)(b) and § 87(2)(b) were present in Duffy Square, within Times Square, located at 7<sup>th</sup> Avenue and West 46<sup>th</sup> Street in Manhattan, for a protest against actions taken by United States Immigration and Customs Enforcement. Among the other protesters were § 87(2)(b) and § 87(2)(b) in addition to other, unidentified individuals. § 87(2)(b) and other, unidentified individuals moved into the roadway on 46<sup>th</sup> Street and formed a bicycle cordon to block eastbound vehicular traffic. In response, Inspector Gerard Dowling of the Strategic Response Group (SRG) ordered that an arrest warning be played via a Long-Range Acoustic Device (**Allegations A through E: Abuse of Authority, § 87(2)(g)**).

Next, numerous officers moved in to make mass arrests. § 87(2)(b) looked on as officers allegedly pulled an unidentified female protester to the ground (**Allegation F: Force, § 87(2)(g)**). PO Stephen Centore of Disorder Control brought § 87(2)(b) to the ground (**Allegation G: Force, § 87(2)(g)**) while PO Robert Bourque of SRG 2 allegedly pushed § 87(2)(b) (**Allegation H: Force, § 87(2)(g)**). As officers attempted to arrest § 87(2)(b) he held onto a lamp post on the north side of 46<sup>th</sup> Street. An officer allegedly punched him on the hands (**Allegation I: Force, § 87(2)(g)**). Sgt. Carlos Hills of SRG 4, Det. Pablo Rodriguez of the Bronx Warrants Squad, PO Steven Vinella of SRG 1, PO Matthew Kwiecinski of SRG 4, and additional, unidentified officers then took § 87(2)(b) to the ground (**Allegations J, K, and N: Force, § 87(2)(g)**; **Allegations L and M: Force, § 87(2)(g)**). An officer or officers allegedly punched § 87(2)(b) about the head and torso (**Allegation O: Force, § 87(2)(g)**). An officer allegedly restricted § 87(2)(b)'s breathing by placing a knee on his back (**Allegation P: Force, § 87(2)(g)**). At the same time, Inspector Dowling, Sgt. Steven Gansrow of SRG 4, PO Brandon Ortiz of SRG 5, PO Christopher Emmart of SRG 4, PO Cecilio Ramos of SRG 5, and PO Michael Linder of SRG 5 brought § 87(2)(b) to the ground (**Allegations Q, S, T, U and V: Force, § 87(2)(g)**; **Allegation R: Force, § 87(2)(g)**). Inspector Dowling allegedly restricted § 87(2)(b) breathing (**Allegations W: Force, § 87(2)(g)**). An officer allegedly punched or kicked § 87(2)(b) on the ribs (**Allegation X: Force, § 87(2)(g)**).

§ 87(2)(b) and other protestors were arrested and transported to the Mass Arrest Processing Center at One Police Plaza, where they were released with summonses. § 87(2)(b) and § 87(2)(b) were not arrested.

The investigation obtained handheld TARU video, videos recorded on civilians' personal recording devices, and 152 Body-Worn Camera videos pertaining to this incident. § 87(4-b), § 87(2)(g)

Note that this case was deemed sensitive due to press coverage regarding mass arrests in Times Square.

The case was reassigned from Inv. Miskovski to Inv. Ross on May 17, 2021.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Inspector Gerard Dowling threatened to arrest § 87(2)(b).**

**Allegation (B) Abuse of Authority: Inspector Gerard Dowling threatened to arrest § 87(2)(b).**

**Allegation (C) Abuse of Authority: Inspector Gerard Dowling threatened to arrest § 87(2)(b).**

**Allegation (D) Abuse of Authority: Inspector Gerard Dowling threatened to arrest § 87(2)(b).**

**Allegation (E) Abuse of Authority: Inspector Gerard Dowling threatened to arrest individuals.**

It is undisputed that § 87(2)(b) and other, unidentified individuals formed a bicycle cordon across 46<sup>th</sup> Street. They did so in order to block eastbound vehicular traffic and thereby allow other protesters to move safely into the roadway for a march down 7<sup>th</sup> Avenue. No protest or demonstration permit had been issued for this gathering. It is further undisputed that at Inspector Dowling's order, the Long-Range Acoustic Device (LRAD) played a message which informed protesters that they were unlawfully obstructing vehicular traffic and that if they did not clear the roadway, they would be subject to arrest for Disorderly Conduct.

Inspector Dowling stated that protesters remained in the roadway, blocking traffic, for multiple traffic light cycles. Upon observing protesters blocking the street, Inspector Dowling consulted with representatives from the NYPD Legal Bureau. (He did not know the identities of these individuals.) Legal Bureau representatives advised Inspector Dowling that if the LRAD was played, and protesters were given the opportunity to exit the roadway but did not, they should be arrested.

Warnings were then played via the LRAD at Inspector Dowling's instruction. The first LRAD message informed protesters that they were blocking vehicular traffic and ordered them to disperse. This message played at least three times and was played at a volume which the protesters could hear. Protesters were given the opportunity to exit the roadway and had accessible means of egress. They had space to step back onto the sidewalk in either direction. However, the protesters did not exit the roadway. Next, the LRAD played an arrest message informing the protesters that they were subject to arrest for blocking vehicular traffic. Up to this point, Inspector Dowling observed no protester engaged in any unlawful behavior beyond blocking vehicular traffic.

Sgt. Hills, PO Emmart, PO Linder, and PO Ramos corroborated Inspector Dowling's testimony that protesters remained in the roadway for multiple traffic light cycles before the LRAD messages played. Additionally, numerous BWC videos confirm that protesters with bicycles formed a cordon across 46<sup>th</sup> Street and remained there while the LRAD arrest message played. A handheld TARU video confirms the same (Board Review 01).

Per New York State Penal Law 240.20, a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she obstructs vehicular or pedestrian traffic (Board Review 02).

§ 87(2)(g)

**Allegation (F) Force: Officers used physical force against** [§ 87(2)(b)]

[§ 87(2)(b)] who stood on the north side of 46<sup>th</sup> Street, near the west side of 7<sup>th</sup> Avenue, stated that she watched as unspecified officers took hold of a white female protester's backpack and pulled her to the ground by the backpack. [§ 87(2)(b)] did not know this woman's identity. She did not recall this woman's height or appearance in any greater detail.

None of the other civilians interviewed regarding this incident described the same specific interaction, and none of the BWC videos captured an interaction clearly corresponding to [§ 87(2)(b)]'s allegations. [§ 87(2)(g)]

**Allegation (G) Force: Police Officer Stephen Centore used physical force against** [§ 87(2)(b)]

**Allegation (H) Force: Police Officer Robert Bourque used physical force against** [§ 87(2)(b)]

As noted above, it is undisputed that [§ 87(2)(b)] intentionally blocked eastbound traffic on 46<sup>th</sup> Street and failed to exit the roadway in response to warnings played via the LRAD.

[§ 87(2)(b)] stated that after the LRAD played once or twice, officers rushed at him and the other bicycle protesters from both sides. Immediately, an officer pushed [§ 87(2)(b)] from the front, while another, behind him, pulled him to the ground by his backpack. These officers "slammed" [§ 87(2)(b)] onto the ground, where he was handcuffed.

Numerous BWC videos and the above-referenced TARU video reveal that protesters did not exit the roadway in response to LRAD warnings. A video recorded on an unidentified civilian's personal recording device and uploaded to [§ 87(2)(b)], also shows protesters remaining in the roadway as the LRAD warning plays (Board Review 03). [§ 87(2)(b)] does not appear in the video until after he was taken to the ground. (He appears at 30 seconds, shirtless and wearing a black-and-white bandana on his head). However, several BWC videos captured [§ 87(2)(b)]'s arrest.

As noted, PO Centore, who apprehended [§ 87(2)(b)] did not record a BWC video of the arrest. A BWC video recorded by PO James Dupree of SRG 3 shows the beginning of the interaction between PO Centore and [§ 87(2)(b)] (Board Review 04). At 1 minute 15 seconds, PO Centore, on the left side of the frame, dismounts his bicycle. [§ 87(2)(b)] shirtless, faces away from him, holding his bicycle up in front of his body with both hands, apparently shielding himself from approaching officers. PO Centore takes hold of [§ 87(2)(b)]'s backpack and pulls [§ 87(2)(b)] backwards, toward the ground. [§ 87(2)(b)] and PO Centore go out of sight briefly and then reappear, with [§ 87(2)(b)] having been pulled down to the ground. A BWC video recorded by PO Bryan Wilson of SRG 2 captured the same actions from a different angle (Board Review 05 at 57 seconds).

A BWC video recorded by PO Robert Bourque of SRG 2 reveals that he was the officer who approached [§ 87(2)(b)] from the front (Board Review 06 at 1 minute 52 seconds). Another BWC video, recorded by PO Michael Toscano of SRG 5, shows PO Bourque approaching [§ 87(2)(b)] from the front after PO Centore has already begun pulling [§ 87(2)(b)] to the ground (Board Review 07 at 1 minute 48 seconds). PO Bourque does not push [§ 87(2)(b)]

Per New York State Penal Law 240.20, a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she obstructs vehicular or pedestrian traffic (Board Review 02).

Per NYPD Patrol Guide Procedure 221-01 (Force Guidelines), an officer may use force when it is reasonable to ensure the safety of a member of the service or a third party, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Further, any application or use of force must be reasonable under the circumstances (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

**Allegation (I) Force: An officer used physical force against § 87(2)(b)**

**Allegation (J) Force: Sergeant Carlos Hills used physical force against § 87(2)(b)**

**Allegation (K) Force: Detective Pablo Rodriguez used physical force against § 87(2)(b)**

**Allegation (L) Force: Police Officer Steven Vinella used physical force against § 87(2)(b)**

**Allegation (M) Force: Police Officer Matthew Kwiecinski used physical force against § 87(2)(b)**

**Allegation (N) Force: Officers used physical force against § 87(2)(b)**

**Allegation (O) Force: An officer used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) intentionally blocked eastbound traffic on 46<sup>th</sup> Street, that § 87(2)(b) resisted arrest, and that officers collectively brought § 87(2)(b) to the ground.

§ 87(2)(b) stated that when the LRAD arrest message played, officers suddenly took hold of him from behind. § 87(2)(b) wrapped his arms around a nearby lamppost to keep away from the officers. However, an officer or officers punched § 87(2)(b)'s hands to loosen his grip on the lamppost. § 87(2)(b) did not see which officer did so. § 87(2)(b) was then taken to the ground. He did not see which officer or officers did this. Once on the ground, he was chest-down. § 87(2)(b) did not surrender to the officers and tried to stand up and get away from them. He took no action other than trying to lift himself to his feet. § 87(2)(b) was then punched on the back of the head and on the torso. He was punched between three and twelve times. He could not see which officer or officers struck him.

§ 87(2)(b) witnessed § 87(2)(b)'s arrest and recalled § 87(2)(b) holding onto a pole, but he did not describe any officer striking § 87(2)(b) on the hand at that time. He described officers taking § 87(2)(b) to the ground and striking him about the upper body before handcuffing him.

Sgt. Hills and Det. Rodriguez were both involved in § 87(2)(b)'s arrest. They recalled him

holding onto a pole when officers first attempted to arrest him. Sgt. Hills stated that he used an overhand grab to try to pull § 87(2)(b)'s arms from around the pole. However, both Sgt. Hills and Det. Rodriguez denied punching § 87(2)(b) on the hand or witnessing any other officer do so. Both officers acknowledged assisting other officers in bringing § 87(2)(b) to the ground but denied punching him afterward or witnessing other officers do so.

Sgt. Hills prepared a TRI report pertaining to § 87(2)(b)'s arrest (Board Review 09). The narrative reads, "The subject refused to place his hands behind his back and was guided to the ground. While on the ground the subject continued to refuse to place his hands behind his back. The subject's hands were eventually placed behind his back and he was restrained him [sic] with flex cuffs." The TRI notes officers using the following force: forcible take down, wrestling/grappling, and hand strike. Sgt. Hills explained that he characterized his use of an overhand grab as a "hand strike" but maintained that he did not punch § 87(2)(b).

Also involved in arresting § 87(2)(b) were PO Steven Vinella of SRG 1 and PO Matthew Kwiecinski of SRG 4. Lt. Louis Sojo of SRG 1 was also present. However, these three officers have since retired from NYPD service and could not be interviewed for this investigation (Board Review 10, 11, and 12).

BWC videos recorded by Lt. Sojo, PO Kwiecinski, PO Vinella, PO Brian Hinton of SRG 4, and PO James O'Brien of PB POD captured the arrest (Board Review 13 to 17). The above-referenced handheld TARU video also captured the arrest (Board Review 01). These videos show § 87(2)(b) holding onto a lamppost as officers attempt to pull him away, but because of the number of officers and civilians crowded around § 87(2)(b) the videos do not show whether any officer punched him on the hands. The videos then showed numerous officers collectively bringing § 87(2)(b) to the ground but, due to the number of officers crowded around § 87(2)(b) the videos do not show whether any officer punched him once on the ground.

A video posted to the Twitter account of civilian Isabelle Levya (Board Review 18) and the above-referenced video posted to § 87(2)(b) (Board Review 03) also captured § 87(2)(b)'s arrest. Like the BWC videos, neither civilian video shows clearly if an officer did or did not punch § 87(2)(b) on the hands. The videos show officers bringing § 87(2)(b) to the ground but do not show if any officer punched him afterward.

Per New York State Penal Law 240.20, a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she obstructs vehicular or pedestrian traffic (Board Review 02).

Per NYPD Patrol Guide Procedure 221-01 (Fore Guidelines), an officer may use force when it is reasonable to ensure the safety of a member of the service or a third party, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Further, any application or use of force must be reasonable under the circumstances (Board Review 08).

§ 87(2)(g)





§ 87(2)(g)

**Allegation (P) Force: An officer restricted § 87(2)(b)'s breathing.**

§ 87(2)(b) stated that after he was taken to the ground, his breathing was restricted when an officer placed a knee on his back. He did not see which officer did this.

As addressed above, Sgt. Hills and Det. Rodriguez were both involved in apprehending § 87(2)(b). They denied placing a knee on § 87(2)(b)'s back or witnessing any other officer do so. Lt. Sojo, PO Vinella, and PO Kwiecinski were also involved but have retired from NYPD service and could not be interviewed.

None of the above-referenced BWC videos (recorded by Lt. Sojo, PO Kwiecinski, PO Vinella, PO Hinton, and PO O'Brien), civilian videos (from Twitter and Instagram), or handheld TARU video shows clearly whether any officer placed a knee on § 87(2)(b)'s back due to the number of officers crowded around § 87(2)(b).

§ 87(2)(g)

**Allegation (Q) Force: Inspector Gerard Dowling used physical force against § 87(2)(b)**

**Allegation (R) Force: Sergeant Steven Gansrow used physical force against § 87(2)(b)**

**Allegation (S) Force: Police Officer Brandon Ortiz used physical force against § 87(2)(b)**

**Allegation (T) Force: Police Officer Christopher Emmart used physical force against § 87(2)(b)**

**Allegation (U) Force: Police Officer Cecilio Ramos used physical force against § 87(2)(b)**

**Allegation (V) Force: Police Officer Michael Linder used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) intentionally blocked eastbound traffic on 46<sup>th</sup> Street and that officers collectively brought § 87(2)(b) to the ground.

§ 87(2)(b) stated that after the LRAD arrest message played, approximately eight officers approached him. § 87(2)(b) was standing upright and was stationary when the officers approached, and the officers issued no verbal commands to him. Collectively, several officers tackled § 87(2)(b) to the ground. § 87(2)(b) could identify only one specific officer: a white-shirted supervisor, who took hold of the front of § 87(2)(b)'s hair as officers pulled him down to the ground.

Inspector Dowling, Sgt. Gansrow, PO Ortiz, PO Emmart, PO Ramos, and PO Linder apprehended § 87(2)(b). All but Sgt. Gansrow, who has retired from NYPD service (Board Review 19), provided statements to the investigation. They each acknowledged taking § 87(2)(b) to the ground. Inspector Dowling did not recall taking hold of § 87(2)(b) hair.

All involved officers other than Inspector Dowling (who was not equipped with a BWC) recorded BWC videos capturing the arrest (Board Review 20 at 1 minute 45 seconds; Board Review 21 at 1 minute 48 seconds; Board Review 22 at 1 minute 45 seconds; Board Review 23 at 1 minute 45 seconds; Board Review 24 at 1 minute 30 seconds). Additionally, the above-referenced video uploaded to the @CopWatchPatrolUnit Instagram account captured the arrest (Board Review 03 at 22 seconds). The videos show that when officers approached § 87(2)(b) he raised his bicycle in front of him in an apparent attempt to shield himself from the approaching officers. The officers then collectively take § 87(2)(b) to the ground. The video from Instagram shows Inspector Dowling taking hold of § 87(2)(b) hair as officers bring § 87(2)(b) to the ground. Inspector Dowling reviewed this video and reiterated that he did not recall doing so but stated that he likely took hold of whatever part of § 87(2)(b) body was accessible to him upon approach.

Sgt. Gansrow prepared a TRI report pertaining to § 87(2)(b) arrest, according to which “Above listed male was part of an organized protest in which male did block vehicular traffic by locking his bike with other protesters’ bikes at which time he refused to let go of said bike. Male was brought to the ground by a forcible takedown and placed in custody” (Board Review 25).

Per New York State Penal Law 240.20, a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she obstructs vehicular or pedestrian traffic (Board Review 02).

Per NYPD Patrol Guide Procedure 221-01 (Fore Guidelines), an officer may use force when it is reasonable to ensure the safety of a member of the service or a third party, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Further, any application or use of force must be reasonable under the circumstances (Board Review 08).

§ 87(2)(g)

[REDACTED]

**Allegation (W) Force: Inspector Gerard Dowling restricted § 87(2)(b) breathing.**

§ 87(2)(b) stated that when officers took him to the ground, he landed chest-down. As officers pulled his hands behind his back, he felt an unseen officer place what he believed was a knee on the back of his neck. The officer pushed down with their body weight, briefly restricting § 87(2)(b) breathing. § 87(2)(b) also felt his neck “crack” in a manner similar to that which he had experienced at a chiropractor. Officers said to § 87(2)(b) “Stop resisting,” but he was unmoving, chest down, and was not resisting. He said, “I’m not resisting.” Officers were pulling § 87(2)(b) body in different directions, and he assumed this was why they believed he was resisting arrest. § 87(2)(b)

§ 87(2)(b) did not ultimately sustain any injury from this action other than soreness to his neck.

Inspector Dowling stated that § 87(2)(b) was not compliant once taken to the ground and did not easily give up his hands. Inspector Dowling held him down with a hand on his shoulder. Inspector Dowling denied placing a knee or hand on § 87(2)(b) neck and denied taking any action which he believed was likely to restrict § 87(2)(b) breathing. Inspector Dowling made sure that no officer applied weight to § 87(2)(b) neck and was especially careful about this due to a new law in effect which specifically prohibited such conduct.

PO Ortiz, PO Emmart, PO Ramos, and PO Linder denied seeing any officer place a knee or hand on § 87(2)(b) neck or take any action likely to restrict § 87(2)(b) breathing.

PO Emmart's BWC video shows, after 2 minutes 9 seconds, that Inspector Dowling places his left hand on § 87(2)(b) back, while Inspector Dowling's right hand appears to be placed on or near the back of § 87(2)(b) neck. However, the specific placement of the hand is not visible. At 2 minutes 18 seconds, just before the officers lift § 87(2)(b) to his feet, § 87(2)(b) says, "Get off my neck." Additionally, per the above-referenced TRI report prepared by Sgt. Gansrow, § 87(2)(b) § 87(2)(b) complained of pain to his neck but refused medical attention (Board Review 25).

As noted, Inspector Dowling maintained that he did not apply pressure to § 87(2)(b) neck.

The video shows Inspector Dowling's right hand in a position on or near the rear of § 87(2)(b) neck, and § 87(2)(b) audibly complains about an officer making contact with his neck at that time.

§ 87(2)(g)

**Allegation (X) Force: An officer used physical force against § 87(2)(b)**

§ 87(2)(b) stated that when officers took him to the ground, and before he was handcuffed, he felt a strike on his ribs. He believed he was kicked. However, he could not see who kicked him.

Inspector Dowling, PO Ramos, PO Emmart, PO Linder, and PO Ortiz each denied striking § 87(2)(b) on the ribs or seeing any other officer do so.

As noted above, all involved officers other than Inspector Dowling recorded BWC videos capturing the arrest (Board Review 20 at 1 minute 45 seconds; Board Review 21 at 1 minute 48 seconds; Board Review 22 at 1 minute 45 seconds; Board Review 23 at 1 minute 45 seconds; Board Review 24 at 1 minute 30 seconds). Additionally, the above-referenced video uploaded to the @CopWatchPatrolUnit Instagram account captured the arrest (Board Review 03 at 22 seconds). However, due to the number of officers gathered around § 87(2)(b) none of the videos shows clearly whether any officer struck § 87(2)(b) on the ribs.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint: § 87(2)(b)
- § 87(2)(b) has been party to one other CCRB complaint: § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review 29, 30, and 31).
- Inspector Dowling has been a member of service for 26 years and has been a subject in four prior CCRB complaints with five allegations, none of which have been substantiated.
- Sgt. Hills has been a member of service for 22 years and has been a subject in two prior CCRB complaints with three allegations, none of which have been substantiated. § 87(2)(g)
- Det. Rodriguez has been a member of service for 13 years and has been a subject in one prior CCRB complaint with one allegation, which was not substantiated. § 87(2)(g)
- PO Linder has been a member of service for 19 years and has been a subject in four prior CCRB complaints with six allegations, of which one was substantiated.
  - Case #200307232 involved a substantiated Question allegation. The Board's disciplinary recommendation is not visible in CTS. The NYPD imposed Command Discipline A.
- PO Bourque has been a member of service for 19 years and has been a subject in one prior CCRB complaint with one allegation, which was not substantiated. § 87(2)(g)
- PO Centore has been a member of service for 15 years and has been a subject in four prior CCRB complaints with 18 allegations, none of which have been substantiated. § 87(2)(g) investigation.
- PO Ramos has been a member of service for 13 years and has been a subject in six other CCRB complaints with 11 allegations, of which one was substantiated.
  - Case #201901811 involved a substantiated allegation of discourteous language. The Board's disciplinary recommendation is not visible in CTS. The NYPD imposed Instructions.

